
SENATE BILL No. 180

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-353.5; IC 16-39-7.1; IC 36-2-14-10.

Synopsis: Access to autopsy information. Permits a physician or coroner to use a photograph, a video recording, or an audio recording of an autopsy to consult with a forensic scientist or forensic pathologist. Describes identifying information that must be masked or removed from an autopsy photograph, video recording, or audio recording before it may be used for training or educational purposes. Requires a physician and coroner or coroner's designee to warn each person to whom the information is released that the information may not be used for a purpose other than the purpose for which it was originally released. Makes it a Class D felony for a person who is granted access to autopsy information for training, education, or professional consultation to use it for a purpose other than the purpose for which it was originally released. Makes a technical correction.

Effective: July 1, 2003.

Dillon

January 7, 2003, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 180

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-353.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2003]: **Sec. 353.5. "Training or educational**
4 **purposes", for purposes of IC 16-39-7.1, has the meaning set forth**
5 **in IC 16-39-7.1-1.5.**

6 SECTION 2. IC 16-39-7.1-1.5, IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2003]: **Sec. 1.5. As used in this chapter,**
9 **"training or educational purposes" means for the purpose of:**

- 10 (1) **teaching or giving lectures to:**
11 (A) **medical students;**
12 (B) **physicians;**
13 (C) **law enforcement personnel;**
14 (D) **public safety personnel; or**
15 (E) **attorneys;**
16 (2) **publication in professional medical:**
17 (A) **books; or**



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- 1 (B) periodicals; or
 2 (3) use in:
 3 (A) training videos; or
 4 (B) computer programs.

5 SECTION 3. IC 16-39-7.1-3, AS ADDED BY P.L.271-2001,
 6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2003]: Sec. 3. (a) A surviving spouse may:

- 8 (1) view and copy a photograph or video recording; and
 9 (2) listen to and copy an audio recording;

10 of the deceased spouse's autopsy. If there is no surviving spouse, the
 11 surviving parents shall have access to the records under this subsection.
 12 If there is no surviving spouse or parent, an adult child shall have
 13 access to the records.

14 (b) Upon making a written request, a unit (as defined in
 15 IC 36-1-2-23), the state, an agency of the state, the federal government,
 16 or an agency of the federal government, while in performance of their
 17 official duty, may:

- 18 (1) view and copy a photograph or video recording; and
 19 (2) listen to and copy an audio recording;

20 of an autopsy. Unless otherwise required in the performance of their
 21 duties, the identity of the deceased must remain confidential.

22 (c) The physician having custody of a photograph, a video
 23 recording, or an audio recording of an autopsy may **use or** allow the
 24 use of the photograph, video recording, or audio recording of the
 25 autopsy for **case consultation with a forensic pathologist or forensic**
 26 **scientist. The physician having custody of a photograph, a video**
 27 **recording, or an audio recording of an autopsy may also use or**
 28 **allow the use of the photograph, video recording, or audio**
 29 **recording of the autopsy for** training or educational purposes if all
 30 information that identifies the individual on whom the autopsy was
 31 performed is **masked or** removed from the photograph, video
 32 recording, or audio recording. **For purposes of this subsection,**
 33 **information that identifies an individual consists of:**

- 34 (1) the name;
 35 (2) the address;
 36 (3) the Social Security number;
 37 (4) a full view of the face; or
 38 (5) identifying marks on the body that are unrelated to the
 39 medical condition or medical status;

40 of the deceased individual. A physician who allows the use of
 41 autopsy information under this subsection has a duty to disclose to
 42 each person to whom the physician releases it that the information

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1 **may not be used for a purpose other than the purpose for which it**
 2 **was originally released.**

3 (d) **Except as provided in subsection (c),** the physician having
 4 custody of a photograph, a video recording, or an audio recording of an
 5 autopsy may not permit a person to:

6 (1) view and copy a photograph or video recording; and

7 (2) listen to and copy an audio recording;

8 of an autopsy without a court order.

9 SECTION 4. IC 16-39-7.1-6, AS ADDED BY P.L.271-2001,
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2003]: Sec. 6. (a) A provider who:

12 (1) is the custodian of a photograph, a video recording, or an
 13 audio recording of an autopsy; and

14 (2) knowingly or intentionally violates this ~~section~~; **chapter**;
 15 commits a Class D felony.

16 (b) A person who knowingly or intentionally violates a court order
 17 issued under this ~~section~~ **chapter** commits a Class D felony.

18 **(c) A person who:**

19 **(1) receives autopsy information under section 3(c) of this**
 20 **chapter; and**

21 **(2) knowingly or intentionally uses the information in a**
 22 **manner other than the specified purpose for which it was**
 23 **released;**

24 **commits a Class D felony.**

25 SECTION 5. IC 36-2-14-10, AS AMENDED BY P.L.271-2001,
 26 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2003]: Sec. 10. (a) After viewing the body, hearing the
 28 evidence, and making all necessary inquiries, the coroner shall draw up
 29 and sign his verdict on the death under consideration. The coroner shall
 30 also make a written report giving an accurate description of the
 31 deceased person, his name if it can be determined, and the amount of
 32 money and other property found with the body. The verdict and the
 33 written report are subject to inspection and copying under IC 5-14-3-3.

34 (b) Except as provided in subsections (c), (d), and (e), a photograph,
 35 video recording, or audio recording of an autopsy in the custody of a
 36 medical examiner is declared confidential for purposes of
 37 IC 5-14-3-4(a)(1).

38 (c) A surviving spouse may:

39 (1) view and copy a photograph or video recording; and

40 (2) listen to and copy an audio recording;

41 of the deceased spouse's autopsy. If there is no surviving spouse, the
 42 surviving parents shall have access to the records under this section. If

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there is no surviving spouse or parent, an adult child shall have access to the records.

(d) Upon making a written request, a unit (as defined in IC 36-1-2-23), the state, an agency of the state, the federal government, or an agency of the federal government, while in performance of their official duty, may:

(1) view and copy a photograph or video recording; and

(2) listen to and copy an audio recording;

of an autopsy. Unless otherwise required in the performance of ~~their~~ **official** duties, the identity of the deceased must remain confidential.

(e) The coroner or the coroner's designee having custody of a photograph, a video recording, or an audio recording of an autopsy may **use or** allow the use of the photograph, video recording, or audio recording of the autopsy for **case consultation with a forensic pathologist or forensic scientist. The coroner or the coroner's designee having custody of a photograph, a video recording, or an audio recording of an autopsy may also use or allow the use of the photograph, video recording, or audio recording for** training or educational purposes (as defined in IC 16-39-7.1-1.5) if all information that identifies the individual on whom the autopsy was performed is **masked or** removed from the photograph, video recording, or audio recording. **For purposes of this subsection, information that identifies an individual consists of:**

(1) the name;

(2) the address;

(3) the Social Security number;

(4) a full view of the face; or

(5) identifying marks on the body that are unrelated to the medical condition or medical status;

of the deceased individual. A coroner or coroner's designee who allows the use of autopsy information under this subsection has a duty to disclose to each person to whom the coroner or coroner's designee releases it that the information may not be used for a purpose other than the purpose for which it was originally released.

(f) **Except as provided in subsection (e),** the coroner or the coroner's designee having custody of a photograph, a video, or an audio recording of an autopsy may not permit a person to:

(1) view or copy the photograph or video recording; and

(2) listen to or copy the audio recording;

of an autopsy without a court order.

(g) A court, upon a showing of good cause, may issue an order

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authorizing a person to:

(1) view or copy a photograph or video recording; and
 (2) listen to or copy an audio recording;
 of an autopsy, and may prescribe any restrictions or stipulations that the court considers appropriate.

(h) In determining good cause under subsection (g), the court shall consider:

- (1) whether the disclosure is necessary for the public evaluation of governmental performance;
- (2) the seriousness of the intrusion into the family's right to privacy;
- (3) whether the disclosure of the photograph, video recording, or audio recording is by the least intrusive means available; and
- (4) the availability of similar information in other public records, regardless of form.

(i) In all cases, the viewing, copying, listening to, or other handling of a photograph, video recording, or audio recording of an autopsy must be under the direct supervision of the coroner, or the coroner's designee, who is the custodian of the record.

(j) A surviving spouse shall be given:

- (1) reasonable notice of the petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording;
- (2) a copy of the petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording; and
- (3) reasonable notice of the opportunity to be present and heard at any hearing on the matter.

(k) If there is no surviving spouse, the notice under subsection (j) must be given to the deceased's parents, and if the deceased has no living parent, the notice must be given to the adult children of the deceased.

(l) A coroner or coroner's designee who:

- (1) is the custodian of a photograph, a video recording, or an audio recording of an autopsy; and
- (2) knowingly or intentionally violates this section;

commits a Class D felony.

(m) A person who knowingly or intentionally violates a court order issued under this section commits a Class D felony.

(n) A person who:

- (1) receives autopsy information under subsection (e); and**
- (2) knowingly or intentionally uses the information in a**

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1 manner other than the specified purpose for which it was
2 released;
3 **commits a Class D felony.**

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